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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,139	09/16/2005	Nicholas Andrew Murray Drought	920602-99282	4555
23644 7590 12/14/2007 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER REYNOLDS, STEVEN ALAN	
			ART UNIT 3728	PAPER NUMBER
			NOTIFICATION DATE 12/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary

Application No.

10/531,139

Applicant(s)

DROUGHT ET AL.

Examiner

Steven Reynolds

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/20/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "comprising", "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claim 6 is objected to because of the following informalities: In line 2, "each floor" should be "each **aperture**". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

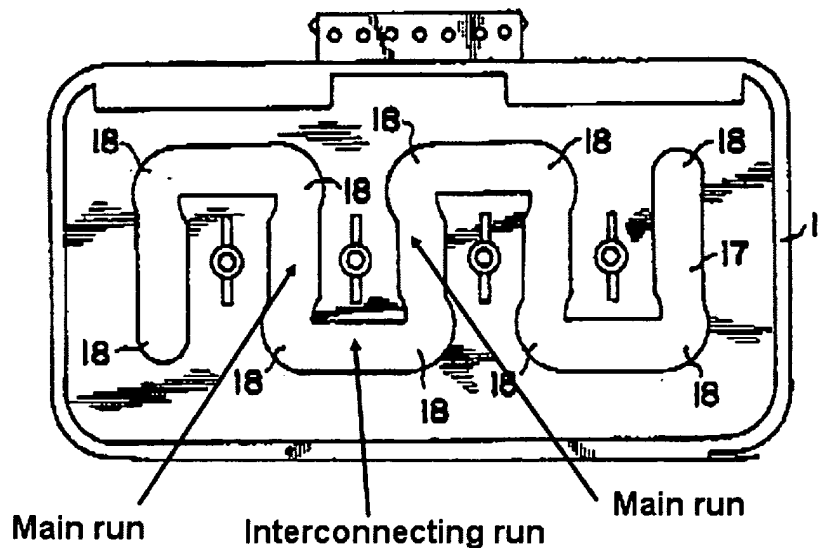
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Honan et al. (US 5,348,158). Honan discloses an apparatus for releasing tablets from a

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blister pack having two rows of blisters (15) each containing a respective tablet (16), the apparatus comprising a tray (13), the floor of which has aperture means (20) in registry, in use, with the two rows of blisters for allowing released tablets to pass through the tray floor, the apparatus further comprising a peg (31/32) mounted on a lid of the tray for engaging a blister to release the tablet therefrom, the peg being slideable along a key way (17) in the lid to enable the peg to be moved into registry with any selected one of the blisters of a pack in the tray, wherein the key way has two main runs (See figure below) in registry with the aperture means and an interconnecting run (See figure below) which interconnects the two main runs to allow the peg to be transferred from one to the other of the main runs, and which is not in registry with the aperture means; and the aperture means comprises two rows of apertures, each aperture being in registry with a respective blister when a blister pack is held in the device.



5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson et al. (US 4,015,717). Richardson discloses an apparatus for releasing

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tablets from a blister pack containing a plurality of tablets (64), each held in a respective blister (62), the apparatus comprising receiving means for receiving (the means for receiving is tray 18) a blister pack (14), the receiving means having a lid (20) moveable between an open and closed position, the apparatus further comprising an abutment member (58) mounted on the lid, the arrangement being such that movement in the lid from the open to the closed position (See Fig. 4 embodiment), in use, causes the abutment member to engage, and release a tablet from, a blister in registry with the abutment member; the receiving means comprises a tray; and the lid is pivotally mounted on the tray.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honan et al. (US 5,348,158) in view of Richardson et al. (US 4,015,717). Honan discloses an apparatus for releasing tablets from a blister pack containing a plurality of tablets (16), each held in a respective blister (15), the apparatus comprising receiving means for receiving (the means for receiving is tray 13) a blister pack (14), the receiving means having a lid (12) moveable between an open and closed position, the apparatus further comprising an abutment member (31/32) mounted on the lid. Honan discloses the claimed invention except for the movement of the lid causing the abutment member to release a tablet from a blister.

However, Richardson teaches an apparatus for releasing tablets from a blister pack including an abutment member (58) fixed to the lid, wherein movement in the lid from the open to the closed position (See Fig. 4 embodiment), in use, causes the abutment member to engage, and release a tablet from, a blister in registry with the abutment member for the purpose of facilitating easy manipulation of the device and reducing parts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Honan with a fixed abutment member which does not need to be separately depressed by the user as taught by Richardson in order to reduce parts needed for manufacture and reduce cost.

Regarding claims 2-9, the modified device of Honan-Richardson discloses the receiving means comprises a tray; the lid is pivotally mounted on the tray; the abutment member is so mounted on the lid that the perpendicular distance from the outboard end of the abutment member to the portion of the lid on which it is mounted remains

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substantially fixed (as modified by Richardson the abutment of Honan will be fixed in its depressed orientation to allow engagement with the blisters when the lid is closed); the abutment member comprises a peg which is slideably mounted on the lid so as to be moveable, in use, into registry with any one of a plurality of blisters in a pack in the tray; the tray has a floor in which there is provided a plurality of apertures, each aperture allowing a tablet released from a respective blister overlying the aperture to pass through the floor, the peg thus being moveable into registry with any one selected one of the apertures; the peg is slideably mounted in a key way on the underside of the lid; the apertures are arranged in two parallel rows, to correspond to the arrangement of blisters in a pack; and the key way comprises two main runs, each in registry with a respective row of apertures, interconnected by a run not in registry with any aperture.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mattis et al. (US 2002/0066690), Weinstein et al. (US 5,431,283), George et al. (US 6,155,454), Coe (US 5,988,429), Romick (US 6,082,544), Weinstein (US 5,853,101) and Bunin (US 5,082,114).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571) 272-9959. The examiner can normally be reached on Monday-Friday 9:00am - 4:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SR

11/7/07


Mickey Yu
Supervisory Patent Examiner
Group 3700